
OLR Bill Analysis

sSB 349

AN ACT CONCERNING EMPLOYMENT AGENCIES AND WRITTEN JOB ORDERS.

SUMMARY:

This bill requires employment agencies and temporary help services that refer applicants for employment or assignment for a fee to provide certain documents and written job orders to the applicants before they start working. It specifies what information the job orders must contain and generally allows them to be conveyed by telephone.

It also requires the agencies and services to keep, for at least three years after the applicant begins the employment or assignment, an original or copy of each (1) contract, (2) receipt for applicant fees, or (3) record entered into or generated on an applicant's employment or assignment. The labor commissioner, or her designee, can inspect these files upon request.

EFFECTIVE DATE: October 1, 2013

REQUIRED DOCUMENTS

The agencies and services must provide each applicant, prior to his or her employment or assignment, with a written statement of the applicant's right to workers' compensation benefits and the employer's workers' compensation carrier's name, address, and telephone information. Employment agencies (but not temporary help services) must also provide a written (1) copy of every contract executed between the agency and applicant and (2) receipt for every fee the applicant paid to the agency.

JOB ORDERS

The bill requires the agencies and services to provide applicants with a written multi-lingual job order, although it does not specify

what languages or how the agency or service should determine which languages to use. The job order must include:

1. the agency or service's name and principal address;
2. a description of the employment relationship between the applicant and the agency or service;
3. contact information for the person the applicant should report to for employment or an assignment;
4. the employer's name and address;
5. the employment or assignment's type and character, including requirements for special attire, accessories, safety or health equipment, training, or licenses;
6. whether the applicant will need special training;
7. compensation rates, including benefits;
8. the employment or assignment's expected duration, including daily starting times, anticipated end times, and overtime;
9. whether the agency, service, or employer provides meals; and
10. whether the agency or service offers transportation to the employer's worksite, including its costs.

Telephone Exceptions

The bill generally allows an agency or service to provide the job order's information to the applicant by phone, if it (1) conveys all of the required information in the phone conversation or message and (2) provides the applicant with written confirmation within 72 hours after the applicant starts the employment or assignment. The agency or service must keep a copy of the confirmation for at least three years after the applicant begins the employment or assignment.

Under the bill, an agency or service cannot convey the job order's information by phone if the applicant was recruited by, or sought

information from, the agency or service for employment or assignment with an employer classified as a professional, scientific, or technological service by the North American Industry Classification System. These services are specialized and require a high degree of expertise and training. They include services provided by lawyers, accountants, engineers, and veterinarians.

BACKGROUND

Employment Agencies and Temporary Help Services

An employment agency is a business that, for a fee (1) procures or offers to procure work or employment for a person or (2) acts as an agent for procuring work or employment for a person. The labor commissioner regulates and licenses employment agencies.

A temporary help service is a business that employs people to furnish part-time or temporary help for others. The services must register with the labor commissioner if they charge fees to employers, but they are not subject to the same records and business conduct requirements as employment agencies.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 7 Nay 3 (03/19/2013)